IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17505 of 2004

Between:

D. Laxminarayana S/o. Kistaiah, aged 49 years, Occ: Asst. Engineer, I.B.Sub-Division, Siddipet, Medak District.

..... PETITIONER

AND

1 The Superintending Engineer, Irrigation Circle, No.3, Niuzamabad, Nizamabad District.
2 The Engineer-In-Chief (Admn. Wing), Irrigation Dept., Erramanzil,

Hyderabad.
3 The Executive Engineer I.B. Division, Siddipet, Medak District.
4 The Principal Secretary, Irrigation and CAD Dept, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ order or direction more particularly one in the nature of Writ of Certiorari, to call for the records relating to the judgment passed in O.A.No. 4958 of 2004, dt. 31.8.2004, by the Hon'ble Administrative Tribunal, Hyderabad and quash the same as arbitrary and illegal being contrary to law, consequently set aside the impugned proceedings No.S1/E1/15/2003/1179 dt. 18.8.2004 issued by the 1st respondent.

Counsel for the Petitioner:SMT.A.SAVITHA REDDY

Counsel for the Respondent No.: GP FOR SERVICES II

The Court made the following :

ORDER: (Per Hon'ble Sri Justice Goda Raghuram)

The petitioner who was working as an Assistant Engineer in the I.B. Division, Siddipet, Medak District was ordered to work on deputation in the I.B. Division Medak vide proceeding No.S1/E1/15/2003/1179, dated 18-8-2004 of the Superintendent Engineer, I & CAD Irrigation Circle NO.3, Nizamabad. The said order is purported to have been issued on the instructions of the Engineer-in-Chief (Administrative Wing) Andhra Pradesh, Hyderabad. Assailing the said order, the petitioner filed O.A.No. 4958 of 2004, which was rejected on the ground that the order was purely an administrative order of transfer, simply shifting him from one unit to another unit and therefore, did not call for interference. The Tribunal, however, enabled the petitioner to make a representation to the Principal Secretary to the Government, ventilating his grievance, and if any such representation is made, the Government was directed to consider and pass order on such an application. Aggrieved thereby the present Writ Petition is filed.

As we entertained a doubt as to why the shift of the petitioner from I.B. Division Siddipet to I.B. Division Medak which was under Administrative Control of the Superintending Engineer and the Engineer-in-chief was termed as 'deputation', we called upon the 1st respondent to clarify the issue by way of a notice before admission, dated 1-10-2004. The said respondent has filed a counter affidavit setting out the circumstances in which the petitioner had been ordered to work on deputation. He clarified as to why the expression 'deputation' was used stating that the petitioner would continue to draw his emoluments from Siddipet while working at the Medak I.B. Division in view of the exigency of work and after the work at Medak is completed he would be shifted back to Siddipet, where he continues to be the substantive employee of the division.

In the light of the circumstances stated in the counter affidavit filed by the 1st respondent, we are satisfied that the orders impuged in the O.A. are mere an administrative arrangement of deputing the petitioner, who continues to be on the

rolls of the Siddipet division, to work at the Medak Division in view of the exigencies of work. No serious prejudice is caused to the petitioner by such an administrative arrangement. It is not a situation that warrants intense judicial scrutiny. We find no error in the order of Tribunal rejecting the relief sought by the petitioner. There are no merits in this Writ Petition and accordingly the same is dismissed, at the stage of admission. Nothing in this order disables the petitioner from making a representation to State Government, as directed by the order of the Tribunal. No order as to costs.

J. Chelameswar,J

Goda Raghuram, J.

13th October, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, A.P.A.T. ,Hyderabad.

2 The Superintending Engineer, Irrigation Circle, No.3,
Niuzamabad, Nizamabad District.

3 The Engineer-In-Chief (Admn. Wing), Irrigation Dept., Erramanzil,

Hyderabad.

4 The Executive Engineer I.B. Division, Siddipet, Medak District.

5 The Principal Secretary, Irrigation and CAD Dept,
Secretariat, Hyderabad.

6. 2CCs to G.P. for Service-II, High Court Buildings, Hyderabad (OUT)

7. 2CD copies

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

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